**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte TADAMITSU UCHIYAMA

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Appeal No. 1997-3062
Application 08/207,370[1]

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ON BRIEF

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Before THOMAS, KRASS, and DIXON, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 3, 7, 8, 10 through 12 and 19 through 24. Claims 4 through 6, 9 and 13 through 18 have been indicated by

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[1]Application for patent filed March 7, 1994.

the examiner as being directed to patentable subject matter and form no part of this appeal.

The invention pertains to printer systems. More particularly, the start of operation of a computer is recognized and a printer is set in a ready mode in response to such recognition whereby the printer is capable of a faster printing operation upon receiving the print command from the computer.

Representative independent claim 1 is reproduced as follows:

1. A printer system comprising:

a computer;

a printer disposed separately of said computer and adapted to form an image on a recording paper in compliance with image data received from said computer; and

recognizing means for recognizing a start of operation of said computer;

said printer incorporating therein setting means for setting said printer in a state capable of producing a printing operation when the start of operation of said computer is recognized by said recognizing means.

The examiner relies on the following references:

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| Nakanishi | 4,740,096 | Apr. 26, 1988 |

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| Fujii | 5,381,242 | Jan. 10, 1995 (filed Jan. 29, 1993) |
| Mese et al. (Mese) | 5,396,443 | Mar. 7, 1995 (filed Oct. 7, 1993) |

Claims 1 through 3, 7, 8, 10 through 12 and 19 through 24 stand rejected under 35 U.S.C. § 103 as unpatentable over Mese in view of Nakanishi and Fujii.

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

OPINION

We affirm.

With regard to independent claim 1, the examiner points out that Mese clearly discloses an information processing apparatus with means for sensing whether someone or something is approaching the apparatus and, in response to such an approach, a power saving control unit is activated. This activation controls a controlled object. Lower power consumption is achieved since the controlled object is not activated if an operation medium has not approached the apparatus or if there has been no movement for a set period of time. The examiner recognizes that while Mese does not

specifically identify the controlled object as a printer, it would have been obvious to the skilled artisan that the controlled object may be a printer since Mese indicates that the device relates to information processing apparatus of a "wide variety of application fields of a pen-base personal computer..." [column 1, lines 11-20]. A printer clearly falls within such information processing apparatus. For good measure, the examiner
identifies Nakanishi as disclosing a power saving printer which may be the type of controlled object indicated by Mese. We agree.

First, appellant argues [brief, page 7] that the claimed invention is directed to a computer/printer combination which includes "features that reduce the waiting time for receipt of a printing output of the computer." This argument is not persuasive since we find nothing in the claims on appeal directed to the reduction of such wait time and appellant has pointed to no such language in the claims.

Next, appellant argues that while Mese discloses a computer, there "is no disclosure and no suggestion of a computer/printer combination, or the features permitting the

intercommunication to place the printer in a ready state and reduce its warm-up time" [brief, page 7]. Again, appellant has identified no claim language directed to the argued "intercommunication" and placing the printer in a ready state to reduce its warm-up time.

With regard to the computer/printer combination argument, the examiner admits that there is no explicit mention of a printer in Mese which is why the examiner relies on the ordinary skill of the artisan faced with Mese's teaching of a generic "controlled object" and Nakanishi's teaching of a printer which may be used as a controlled object. The fact that Nakanishi is "not concerned with two separate interconnected components, such as a computer and printer," as argued by appellant [brief, page 8], is not controlling. Nakanishi is cited merely as an example of a printer which might be employed as the "controlled object" in Mese. However, in our view, Mese, itself provides enough suggestion to the skilled artisan to provide a printer as the controlled object. Since Mese clearly shows the combination of a computer and a "controlled object," and the skilled artisan would have recognized the use of a printer for such a

"controlled object," appellant's argument that Mese fails to suggest a computer/printer combination is not found persuasive.

At page 8 of the brief, appellant sets forth three additional arguments, viz., that the cited references do not teach or suggest a power-up wait-state mode for a printer system operatively connected to a computer, for bringing the printer into a ready state capable of a printing operation when: 1. A computer peripheral has been manipulated; 2. A sensor detects an approach of a user to the computer; and 3. By controlling the scheduled use of the printer by a registered user.

We disagree. Clearly, Mese is concerned with setting the controlled object in either a power-saving state or a non-power saving state, depending on whether a user has approached the apparatus, the apparatus being, for example, a PC. When a user approaches the computer, the controlled object is placed in a non-power saving state, i.e., a ready state. When that controlled object is a printer, which is an obvious variation of the generic "controlled object," for reasons discussed

supra, the printer will be set in a ready state in response to the sensing of the approach of a computer user.

There can be no doubt that Mese teaches the sensing of an approach of a user to the computer. See column 4, lines 2 et seq. of Mese.

With regard to the "scheduled use" argument, the "scheduled use" of the controlled object by a user in Mese is, indeed, controlled. The controlled object is not placed in a ready state until the approach of a user is sensed. At that point, one can say that the controlled object, e.g., a printer, is placed in a ready state in anticipation of a user manipulating inputs to the computer. The time during which a user employs the computer, or manipulates the keyboard, may be said to be a "scheduled use," as broadly claimed by claims 10 and 11. Similar to appellant's invention, the sensing of an approach by a user in the Mese system "assumes the presence of the scheduled use of said [controlled object which may be a] printer."

Appellant's arguments at pages 9-10 of the brief regarding the missing features of Mese and Nakanishi amount to arguments against the references individually and do not

address the *combination* of references, as applied by the examiner. Clearly, if Mese disclosed the specific printer claimed to be employed in exactly the same manner as set forth in the instant claims, the examiner would have made a rejection under 35 U.S.C. § 102 based on anticipation. Instead, the rejection is under 35 U.S.C. § 103 based on obviousness.

With regard to the Fujii reference, this reference was applied by the examiner in order to show the specifics of a printer such as a fixing device, an image forming means, etc. Appellant never argues that the printing mechanism itself in appellant's invention is anything but conventional and, in fact, does not argue that Fujii is deficient in such a showing. Appellant's only argument regarding Fujii [brief, page 11] is that Fujii does not show the recording of an image in an apparatus which includes recognizing means for recognizing a start of operation of a computer and means for setting the printer in a state capable of producing a printing operation. The examiner recognized such a deficiency in Fujii and relied on Mese and Nakanishi for such teachings.

While the cited references may not explicitly teach connection of a peripheral to a printer warm-up recognizing apparatus, it was explained, supra, why it would have been obvious to employ a printer as the controlled object in Mese, placing that controlled object, or printer, in a ready state upon detection of the approach of a user. Clearly, the placement of a printer in a "ready state" implies that the printer will be warmed up.

Appellant's "arguments" at pages 11-13 of the brief, citing claims 8, 10, 19, 23, 24, 2, 3, 11, 12, 7 and 20 are merely general statements about the references not teaching the invention and that there is "no basis" to combine the references. However, since these "arguments" have no substance, they are not regarded as arguments at all. Appellant has failed to particularly point out how and why the instant claims specifically differ from the applied references, pointing to exact claim language on which appellant relies. Accordingly, these claims will fall with the claims treated supra.

We have addressed all of appellant's arguments and do not find any of them persuasive of patentability. Accordingly, the examiner's decision rejecting claims 1 through 3, 7, 8, 10 through 12 and 19 through 24 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

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| James D. Thomas<br>Administrative Patent Judge | ) | |
| Errol A. Krass<br>Administrative Patent Judge | ) | BOARD OF PATENT APPEALS AND INTERFERENCES |
| Joseph L. Dixon<br>Administrative Patent Judge | ) | |

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